

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

The Applicant has amended no claims. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-30 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 1-10, 12-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sevanto et al (US 6987779) in view of Forslow, et al. (US 2003/0039237). The Applicant respectfully traverses the rejection of these claims.

The Applicant's present invention, after the Activate PDP-Context request has been sent to SGSN, and after the response on this request has been sent to BSS (see Figure 5, and description of Figure 5), discloses that the BSS decides whether the, e.g., QoS Profile can be executed or not. The big advantage of letting the BSS decide is that the system can be certain that the used PDP Context, i.e. Quality of Service, can be accepted by the BSS as it is the BSS that is responsible for the radio transmission in the air interface.

The BSS knows the true environment where an actual mobile station is situated. The radio environment is very important when a certain QoS is to be guaranteed. If the BSS does not know what the MS is capable of when negotiating the QoS in the PDP Context, then BSS can not possibly carry out a reasonable negotiation.

The Sevanto reference, discloses informing a system (i.e. the RAN and SGSN) about the capacity of a mobile station when a packet switched connection is to be established (PDP-Context-procedure of Figure 2a). Sevanto is completely silent about the role of a BSS in this connection. Instead, signals are sent transparently through BSS (Fig 2a).

The Forslow reference is cited for disclosing the use of the mobile station capability in evaluating whether the requested QoS can be supported for the packet

flow. However, the Applicant respectfully submits that the Forslow reference is disqualified as prior art under 35 U.S.C. 103(c).

#### Statement of Common Ownership

The present application was filed after November 29, 1999. The present application and Forslow et al. were, at the time the invention of the present application was made, both owned by or subject to an obligation of assignment to Ericsson, Inc. Additionally the present application and Forslow were, at the time of the invention of the present application, owned by or subject to an obligation of assignment to Telefonaktiebolaget LM Ericsson, a Swedish corporation, the parent company of Ericsson, Inc., the assignee of the present application.

All of the requirements of 35 U.S.C. 103(c) have been met, and Forslow is disqualified as a prior art reference in the instant application. Therefore, Applicant respectfully requests the withdrawal of the rejection and the issuance of a Notice of Allowance for claims 1-10 and 12-30.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sevanto et al US 6987779 in view of Ala-Luukko, et al. US 7203200 and in further view of Makela et al US 7099687. The Applicant respectfully traverses the rejection of this claim.

Because Sevanto is silent on the BSS requesting a download of a PFC message, the Makela reference is cited. The cited portion of Makela merely discloses making a packet data connection between the mobile terminal and the IP network. There is nothing in the cited portion of Makela that discloses the BSS requesting a download of a Packet Flow Context (PFC) Create message. The Applicant respectfully submits that the references of Makela, Ala-Luuko or Sevanto, either individually or in combination, do not teach or suggest all the claim limitations contained in claim 11. The allowance of claim 11 is respectfully requested.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

/Sidney L. Weatherford/

By Sidney L. Weatherford  
Registration No. 45,602

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Ericsson Inc.  
6300 Legacy Drive, M/S EVR 1-C-11  
Plano, Texas 75024

(972) 583-8656  
sidney.weatherford@ericsson.com